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| 10/736,848 | 12/17/2003 | Carl Joseph Kraczel | 042846-0312967 | 5441 |
| 909 7590 05/04/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102 | | | EXAMINER MADAMBA, GLENFORD J | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,848

Applicant(s)

KRAENZEL, CARL JOSEPH

Examiner

Glenford Madamba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-21, 24-31, 34-39 and 52-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Bode et al (hereinafter Bode), U.S. Patent US 7,206,778.

As per claims 1, 29 and 57, Bode discloses a system for monitoring a communication and retrieving information relevant to the communication [Abstract], comprising:

a server connected to a network (content provider server 100) [Fig. 1], the server comprising an information module;

a first interface to a communications link (130) for connecting the server to a remote client (user 105);

a second interface for connecting the server to at least one data source (knowledge containers 201 / 202) [Fig. 2]; and

wherein the information module comprises:

a monitoring module that monitors, via the first interface, a communication associated with the remote client (communication / dialog engine 435) [Fig. 4];

a topic filter module that filters one or more topic words appearing in the communication (filter / lexical taxonomies) [col 5, L6-15] ; and

a search module that executes searches against the at least one data source using the one or more topic words to generate search results (Search Engine 410) [Figs 4 & 5].

As per claims 2 and 30, Bode discloses the system of claim 1, wherein the information module further comprises a results module for outputting the search results to the remote client (Result Ranking Engine 415) [Figs. 4 & 5].

As per claims 3 and 31, Bode discloses the system of claim 1, wherein the network comprises the Internet [col 1, L15].

As per claims 6 and 34, Bode discloses the system of claim 1, wherein the communications link comprises a wireless connection (e.g. mobile device 2) [Fig. 1 of

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Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 7 and 35, Bode discloses the system of claim 1, wherein the remote client comprises at least one of a personal computer, personal digital assistant, or a wireless terminal device (PC or PDA) [col 25, L35-42].

As per claims 8 and 36, Bode discloses the system of claim 1, wherein the at least one data source comprises at least one database (content base 115) [col 24, L10-13].

As per claims 9 and 37, Bode discloses the system of claim 1, wherein the at least one data source comprises at least one knowledge management (KM) repository (Knowledge Corpus 425) [Fig. 4].

As per claims 10 and 38, Bode discloses the system of claim 1, wherein the information module comprises an Internet web site (e.g. website) [0178] of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 11 and 39, Bode discloses the system of claim 1, wherein the information module comprises a software application (i.e., software) [col 24, L10-13].

As per claims 12 and 40, Bode discloses the system of claim 1, wherein the monitoring module receives the communication as input (e.g. email inquiry / dialog) [col 1, L36]

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[Fig. 4].

As per claims 13 and 41, Bode discloses the system of claim 1, wherein the monitoring module receives the communication as input in real time (i.e., real-time timer) [col 10, L45-55].

As per claims 14 and 42, Bode discloses the system of claim 1, wherein the communication comprises at least one text message (text communication 201) [Fig. 3].

As per claims 15 and 43, Bode discloses the system of claim 14, wherein the at least one text message comprises an electronic mail message (email communication 201) [Fig. 3].

As per claims 16 and 44, Bode discloses the system of claim 14, wherein the at least one text message comprises a plurality of text messages comprising a web chat ("dialogs" on the web) [Figs. 11-13, 15-17, 19 and 21] & {0178} of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 17 and 45, Bode discloses the system of claim 1, wherein the communication comprises a voice communication (e.g. telephone call) [col 1, L36].

As per claims 18 and 46, Bode discloses the system of claim 17, wherein the voice

communication comprises at least one of a telephone conference, or live conversation (e.g, Internet based-telephone videoconferencing) [col 5, L29-35].

As per claims 19 and 47, Bode discloses the system of claim 17, wherein the monitoring module receives the voice communication as input in real time and converts it to text [{Abstract} {0015} (IVR / text to speech system) {0184} of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 20 and 48, Bode discloses the system of claim 1, wherein the topic filter module filters one or more topic words appearing in the communication using a weighted averaging algorithm (e.g., term-extraction algorithm with weighted tags 202) [Fig. 12] [col 2, L47-49].

As per claims 21 and 49, Bode discloses the system of claim 20, wherein the topic filter module ("topic spotter") [col 6, L39] applies the weighted averaging algorithm to the communication at a predetermined frequency (e.g., term-extraction algorithm with weighted tags 202) [Fig. 12] [col 2, L47-49].

As per claims 24 and 52, Bode discloses the system of claim 2, wherein the results module outputs hypertext links to the search results, so that a user associated with the remote client may select the hypertext links to access the search results (email response including hyperlinks) [col 6, L60].

As per claims 25 and 53, Bode discloses the system of claim 1, wherein the information module further comprises a customization module for enabling a user associated with the remote client to specify one or more parameters (search strategy 910 / preferences) [col 19, L35-65] [Fig. 9].

As per claims 26 and 54, Bode discloses the system of claim 25, wherein the user may specify the types of communication to be monitored by the monitoring module (e.g, email, Internet based-telephone videoconferencing, text message) [col 5, L29-35].

As per claims 27 and 55, Bode discloses the system of claim 25, wherein the user may specify the at least one data source to be searched [{0179} of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 28 and 56, Bode discloses the system of claim 25, wherein the user may specify the format of the search results [Figs. 11-13, 15-17, 19 and 21] & {0178} of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Teng et al (hereinafter Teng), U.S. Patent 6,976,018.

As per claims 4 and 32, Bode in view of Teng discloses the system of claim 1, wherein the network comprises at least one of an intranet or a virtual private network.

While Bode discloses substantial features of the invention such as a system for monitoring a communication and retrieving information relevant to the communication [Abstract], he does not explicitly disclose the added feature of the system wherein the network comprises at least one of an intranet or a virtual private network. The feature is disclosed by Teng in a related endeavor.

Teng discloses as his invention a method that queries a plurality of search engines for properties to identify for which content categories the search engines are suited. A query to locate content is communicated to those of the plurality of search engines suited to service the query to locate content, based on at least one content category of the query to locate content [Abstract] [Figs. 1-3]. In particular, Teng discloses the added feature of the system wherein the network comprises at least one of an intranet or a virtual private network [col 1, L15-34].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Bode's invention with the added feature of the system wherein the network comprises at least one of an intranet or a virtual private network, as disclosed by Teng, for the motivation of providing search options that enables the selection of the best available search technology for a particular search query, as well as providing for flexibility [col 1, L35-42].

3. Claims 5 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Burdick et al (hereinafter Burdick), U.S. Patent 7,185,001.

As per claims 5 and 33, Bode in view of Burdick discloses the system of claim 1, wherein the communications link comprises at least one of a digital subscriber line (DSL) connection, a digital data services (DDS) connection, an Ethernet connection, an integrated services digital network (ISDN) line, or an analog modem connection.

While Bode discloses substantial features of the invention such as a system for monitoring a communication and retrieving information relevant to the communication [Abstract], he does not explicitly disclose the added feature of the system wherein the communications link comprises at least one of a digital subscriber line (DSL) connection, a digital data services (DDS) connection, an Ethernet connection, an integrated services digital network (ISDN) line, or an analog modem connection. The feature is disclosed by Burdick in a related endeavor.

Burdick discloses as his invention an interactive document search, retrieval, categorization, and summarization method and system [Abstract] [Fig. 1]. The invention retrieves relevant documents from a computer network in response to a user's query and organizing the retrieved document into categories [col 1, L10-17]. In particular, Burdick discloses the added feature of the system wherein the communications link comprises at least one of a digital subscriber line (DSL) connection, a digital data services (DDS) connection, an Ethernet connection, an integrated services digital network (ISDN) line, or an analog modem connection [col 6, L30-44] [Fig. 1].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Bode's invention with of the added feature of system wherein the communications link comprises at least one of a digital subscriber line (DSL) connection, a digital data services (DDS) connection, an Ethernet connection, an integrated services digital network (ISDN) line, or an analog modem connection, as disclosed by Burdick, for the motivation of providing a system and method for interactively searching, retrieving, categorizing, and summarizing documents, and for minimizing the opening, closing, and reading of documents [col 2, L24-29].

4. Claims 22, 23, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Official Notice.

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As per claims 22 and 50, Bode in view of Official Notice discloses the system of claim 21, wherein a user associated with the remote client specifies the frequency.

As per claims 23 and 51, Bode in view of Official Notice discloses the system of claim 21, wherein the information module designates a default frequency.

With regards to the claims, Official Notice is taken in that it the specification of a frequency by a user associated with a remote client and/or designation of a default frequency by an information module of the system is would be obvious to one of ordinary skill in the art for applying an algorithm (e.g., term-extraction algorithm with weighted tags 202) [Fig. 12] [col 2, L47-49] to the module of the system at a particular rate and as part of the design in the monitoring of communication for searching and retrieving documents and other content using search engines and a knowledge database (knowledge containers 201 / 202) [Fig. 2].

Conclusion

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific

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limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Brown et al Patent No.: US 7092938
- Monteverde et al Patent No.: US 7152059
- Appelt et al Patent No.: US 6601026

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151

Khanh Dinh
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PRIMARY EXAMINER
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